

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2006-1234-DCL-E TCEQ ID: RN103956769 CASE NO.: 30729

RESPONDENT NAME: SHALI ENTERPRISES, INC. DBA U.S. CLEANERS

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input checked="" type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: 19714 Saums Road, Houston, Harris County**TYPE OF OPERATION:** Dry cleaning facility**SMALL BUSINESS:** ☒ Yes ☐ No**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility.**INTERESTED PARTIES:** No one other than the ED and the Respondent has expressed an interest in this matter.**COMMENTS RECEIVED:** The *Texas Register* comment period expired on December 15, 2008. No comments were received.**CONTACTS AND MAILING LIST:****TCEQ Attorney:** Ms. Peipey Tang, Litigation Division, MC 175, (512) 239-0654

Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

TCEQ Enforcement Coordinator: Mr. Epifanio Villarreal, Water Enforcement Section, MC R-14, (361) 825-3425**TCEQ Regional Contact:** Ms. Nicole Bealle, Houston Regional Office, MC R-12, (713) 767-3623**Respondent:** Mr. Ruknuddin Momin, President, Shali Enterprises, Inc., 14088 Memorial Drive, Houston, Texas 77079**Respondent's Attorney:** Not represented by counsel on this enforcement matter.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint</p> <p><input type="checkbox"/> Routine</p> <p><input type="checkbox"/> Enforcement Follow-up</p> <p><input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Dates of Investigations Relating to this Case: May 25, 2006 and January 31, 2007</p> <p>Date of NOE Relating to this Case: August 2, 2006</p> <p>Background Facts: The EDPRP was filed on January 3, 2007, and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt, "green card," the Respondent received notice of the EDPRP on January 5, 2007, as evidenced by the signature on the card.</p> <p>The EDFARP was filed on August 19, 2008, and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt, "green card," the Respondent received notice of the EDFARP on August 21, 2008, as evidenced by the signature on the card.</p> <p>The Respondent has failed to answer either the EDPRP or the EDFARP, failed to request a hearing, and failed to schedule a settlement conference.</p> <p>Current Compliance Status: The Respondent has not completed and submitted the required dry cleaning facility registration form. The Respondent has not paid outstanding dry cleaner fees for TCEQ Financial Account 24000136.</p> <p>DCL:</p> <p>1. Failed to renew the registration by completing and submitting the required registration form to the TCEQ for a dry cleaning facility [30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102(a)].</p> <p>2. Failed to pay outstanding dry cleaner fees for TCEQ Financial Account 24000136 for fiscal years 2004, 2005, 2006, and 2007 [30 TEX. ADMIN. CODE § 337.14(c) and TEX. WATER CODE § 5.702].</p>	<p>Total Assessed: \$1,185</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Order</p> <p><input type="checkbox"/> Financial Inability to Pay</p> <p><input type="checkbox"/> SEP Conditional Offset</p> <p>Total Due to General Revenue: \$1,185</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this proposed Order.</p> <p>Site Compliance History Classification: <input checked="" type="checkbox"/> N/A</p> <p>Person Compliance History Classification: <input checked="" type="checkbox"/> N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Respondent shall:</p> <p>1. Within 15 days, complete and submit the required dry cleaner registration form for the Facility.</p> <p>2. Within 30 days:</p> <p>a. Submit payment of all outstanding fees, interest, and penalties for TCEQ Financial Account No. 24000136; and</p> <p>b. Submit written certification of compliance with Ordering Provision Nos. 1 and 2.a.</p>



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	07-Aug-2006	Screening	10-Aug-2006	EPA Due	
	PCW	31-Jan-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Shali Enterprises, Inc. dba U.S. Cleaners		
Reg. Ent. Ref. No.	RN103956769		
Facility/Site Region	12-Houston	Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	30729	No. of Violations	2
Docket No.	2006-1234-DCL-E	Order Type	1660
Media Program(s)	Drycleaner	Enf. Coordinator	Epifanio Villarreal
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$50

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 **\$1,185**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 0% Enhancement Subtotals 2, 3, & 7 **\$0**

Notes No penalty adjustment due to lack of compliance history.

Culpability No 0% Enhancement Subtotal 4 **\$0**

Notes The respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5 **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes The respondent does not meet the good faith criteria.

Economic Benefit 0% Enhancement* Subtotal 6 **\$0**

Total EB Amounts	\$20
Approx. Cost of Compliance	\$250

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal **\$1,185**

OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount **\$1,185**

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$1,185**

DEFERRAL

0% Reduction

Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes No deferral is offered on non-expedited settlement.

PAYABLE PENALTY

\$1,185

Screening Date 10-Aug-2006

Docket No. 2006-1234-DCL-E

PCW

Respondent Shali Enterprises, Inc. dba U.S. Cleaners

Policy Revision 2 (September 2002)

Case ID No. 30729

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN103956769

Media [Statute] Drycleaner

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Other	Please Enter Yes or No		
	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No penalty adjustment due to lack of compliance history.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 10-Aug-2006

Docket No. 2006-1234-DCL-E

PCW

Respondent Shali Enterprises, Inc. dba U.S. Cleaners

Policy Revision 2 (September 2002)

Case ID No. 30729

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN103956769

Media [Statute] Drycleaner

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 337.11(e)

Secondary Rule Cite(s) Tex. Health & Safety Code § 374.102(a)

Violation Description The respondent failed to renew the facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning facility.

Base Penalty \$50

>> Environmental, Property and Human Health Matrix

		Harm			Percent
OR	Release	Major	Moderate	Minor	
	Actual				
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		X			

Matrix Notes 100% of the rule requirement was not met.

Adjustment -\$45

Base Penalty Subtotal \$5

Violation Events

Number of Violation Events 237

mark only one use a small x	daily	X
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,185

Two hundred thirty-seven daily events are recommended from the September 1, 2005 regulatory deadline to the April 26, 2006 deadline established by the TCEQ letter dated March 24, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$20

Violation Final Penalty Total \$1,185

This violation Final Assessed Penalty (adjusted for limits) \$1,185

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Economic Benefit Worksheet

Respondent Shali Enterprises, Inc. dba U.S. Cleaners
 Case ID No. 30729
 Reg. Ent. Reference No. RN103956769
 Media [Statute] Drycleaner
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$250	01-Sep-2005	31-Mar-2007	1.6	\$20	n/a	\$20
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to register a dry cleaning or drop station facility annually. The date required is the date that the completed registration form was due and the final date is the date the respondent is projected to come into compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$250****TOTAL** **\$20**

Screening Date 10-Aug-2006	Docket No. 2006-1234-DCL-E	PCW
Respondent Shali Enterprises, Inc. dba U.S. Cleaners	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 30729	<i>PCW Revision May 19, 2005</i>	
Reg. Ent. Reference No. RN103956769		
Media [Statute] Drycleaner		
Enf. Coordinator Epifanio Villarreal		
Violation Number <input type="text" value="2"/>		
Primary Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 337.14(c)"/>	
Secondary Rule Cite(s)	<input type="text" value="Tex. Water Code § 5.702"/>	
Violation Description	<input type="text" value="Failure to pay outstanding dry cleaner fees for TCEQ Financial Account 24000136 for fiscal years 2004, 2005, 2006, and 2007."/>	
Base Penalty		<input type="text" value="\$50"/>

>> Environmental, Property and Human Health Matrix

		Harm			
		Major	Moderate	Minor	
Release	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

		Major	Moderate	Minor	
Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	daily	<input style="width: 40px;" type="text"/>
	monthly	<input style="width: 40px;" type="text"/>
	quarterly	<input style="width: 40px;" type="text"/>
	semiannual	<input style="width: 40px;" type="text"/>
	annual	<input style="width: 40px;" type="text"/>
single event		<input style="width: 40px;" type="text"/>

Violation Base Penalty

All penalties and interest will be determined by Financial Administration Division at the next billing cycle.

Economic Benefit (EB) for this violation
Estimated EB Amount

Statutory Limit Test
Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

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Economic Benefit Worksheet

Respondent Shali Enterprises, Inc. dba U.S. Cleaners

Case ID No. 30729

Reg. Ent. Reference No. RN103956769

Media [Statute] Drycleaner

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

N/A

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance TOTAL

Compliance History

Customer/Respondent/Owner-Operator:	CN602458010	Shali Enterprises Inc	Classification:	Rating:
Regulated Entity:	RN103956769	U.S. CLEANERS	Classification:	Site Rating:
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID		TXR000072173
Location:	19714 SAUMS RD, HOUSTON, TX, 77084			

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: August 10, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 10, 2001 to August 10, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Epifanio Villarreal Phone: (361) 825-3425

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

08/02/2006 (488913)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

N/A

- F. Environmental audits.

N/A

- G. Type of environmental management systems (EMSs).

N/A

- H. Voluntary on-site compliance assessment dates.

N/A

- I. Participation in a voluntary pollution reduction program.

N/A

- J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
SHALI ENTERPRISES, INC. DBA
U.S. CLEANERS,
RN103956769**

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§
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§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER DOCKET NO. 2006-1234-DCL-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's First Amended Report and Petition filed pursuant to TEX. WATER CODE chs. 5 and 7, TEX. HEALTH & SAFETY CODE ch. 374, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Shali Enterprises, Inc. dba U.S. Cleaners ("Shali Enterprises").

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Shali Enterprises owns, in accordance with TEX. HEALTH & SAFETY CODE § 374.001(12), and operates a dry cleaning facility located at 19714 Saums Road, Houston, Harris County, Texas (the "Facility").
2. The Facility is a retail commercial establishment that operates or has operated, in whole or in part for the purpose of cleaning garments or other fabrics using a process that involves any use of dry cleaning solvents. As such, the Facility is a dry cleaning facility as defined in TEX. HEALTH & SAFETY CODE § 374.001(7).
3. During an inspection conducted on May 25, 2006, a TCEQ Houston Regional Office investigator documented that Shali Enterprises failed to renew the Facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning facility.
4. During an inspection conducted on January 31, 2007, a TCEQ investigator documented that Shali Enterprises failed to pay outstanding dry cleaner fees for TCEQ Financial Account 24000136 for fiscal years 2004, 2005, 2006, and 2007.

5. Shali Enterprises received notice of the violations on or about August 7, 2006.
6. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Shali Enterprises, Inc. dba U.S. Cleaners" (the "EDPRP") in the TCEQ Chief Clerk's office on January 3, 2007.
7. By letter dated on January 3, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Shali Enterprises with notice of the EDPRP. According to the return receipt "green card," Shali Enterprises received notice of the EDPRP on January 5, 2007, as evidenced by the signature on the card.
8. The Executive Director filed the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Shali Enterprises, Inc. dba U.S. Cleaners" (the "EDFARP") in the TCEQ Chief Clerk's office on August 19, 2008.
9. By letter dated on August 19, 2008, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Shali Enterprises with notice of the EDFARP. According to the return receipt "green card," Shali Enterprises received notice of the EDFARP on August 21, 2008, as evidenced by the signature on the card.
10. More than 20 days have elapsed since Shali Enterprises received notice of the EDPRP and the EDFARP, provided by the Executive Director. Shali Enterprises failed to file an answer to either the EDPRP or the EDFARP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Shali Enterprises is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 5 and 7, TEX. HEALTH & SAFETY CODE ch. 374, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Shali Enterprises failed to renew the Facility's registration by completing and submitting the required registration form to the TCEQ for

a dry cleaning facility, in violation of 30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102(a).

3. As evidenced by Finding of Fact No. 4, Shali Enterprises failed to pay outstanding dry cleaner fees for TCEQ Financial Account 24000136 for fiscal years 2004, 2005, 2006, and 2007, in violation of 30 TEX. ADMIN. CODE § 337.14(c) and TEX. WATER CODE § 5.702.
4. As evidenced by Finding of Fact Nos. 6 and 7, the Executive Director has timely served Shali Enterprises with proper notice of the EDP RP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
5. As evidenced by Finding of Fact Nos. 8 and 9, the Executive Director has timely served Shali Enterprises with proper notice of the EDFARP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
6. As evidenced by Finding of Fact No. 10, Shali Enterprises has failed to file a timely answer to the EDP RP and the EDFARP, as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Shali Enterprises and assess the penalty recommended by the Executive Director.
7. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Shali Enterprises for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of one thousand one hundred eighty-five dollars (\$1,185.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
9. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Shali Enterprises is assessed an administrative penalty in the amount of one thousand one hundred eighty-five dollars (\$1,185.00) for violations of TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 374, and rules of the TCEQ. The payment of this administrative penalty and Shali Enterprises' compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality." The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Shali Enterprises, Inc. dba U.S. Cleaners; Docket No. 2006-1234-DCL-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Shali Enterprises shall undertake the following technical requirements:
 - a. Within 15 days after the effective date of this Order, Shali Enterprises shall complete and submit the required dry cleaner registration form for the Facility, in accordance with 30 TEX. ADMIN. CODE § 377.10 to:

Dry Cleaning Registration Team, MC 138
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Within 30 days after the effective date of this Order, Shali Enterprises shall submit payment of all outstanding fees, interest, and penalties for TCEQ Financial Account No. 24000136. The payment shall be sent with the notation "RE: Shali Enterprises, Inc. dba U.S. Cleaners, FA Account No. 24000136" to:

Financial Administration Division, Revenues Section

Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- c. Within 30 days after the effective date of this Order, Shali Enterprises shall submit written certification of compliance with Ordering Provision Nos. 2.a. and 2.b. as described below.

The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Nicole Bealle, Waste Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H,
Houston, Texas 77023-1452

3. All relief not expressly granted in this Order is denied.

4. The provisions of this Order shall apply to and be binding upon Shali Enterprises. Shali Enterprises is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. If Shali Enterprises fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Shali Enterprises' failure to comply is not a violation of this Order. Shali Enterprises shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Shali Enterprises shall notify the Executive Director within seven days after Shali Enterprises becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Shali Enterprises shall be made in writing to the Executive Director. Extensions are not effective until Shali Enterprises receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Shali Enterprises if the Executive Director determines that Shali Enterprises has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF PEIPEY TANG

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

"My name is Peipey Tang. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

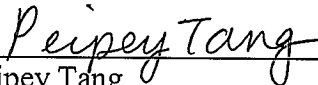
On behalf of the Executive Director of the Texas Commission on Environmental Quality, Mary Hammer filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Shali Enterprises, Inc. dba U.S. Cleaners" (the "EDPRP") with the Office of the Chief Clerk on January 3, 2007.

Mary Hammer sent the EDPRP to Shali Enterprises at its last known address on January 3, 2007 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Shali Enterprises received notice of the EDPRP on January 5, 2007, as evidenced by the signature on the card.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, Patrick N. Jackson filed the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Shali Enterprises, Inc. dba U.S. Cleaners" (the "EDFARP") with the Office of the Chief Clerk on August 19, 2008.

Patrick N. Jackson sent the EDFARP to Shali Enterprises at its last known address on August 19, 2008 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Shali Enterprises received notice of the EDFARP on August 21, 2008, as evidenced by the signature on the card.

More than 20 days have elapsed since Shali Enterprises received notice of the EDPRP and the EDFARP. Shali Enterprises failed to file an answer to either the EDPRP or the EDFARP, failed to request a hearing, and failed to schedule a settlement conference".



Peipey Tang
Attorney
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Peipey Tang, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 24th day of 2008, A.D., 2008.

Linda Quintanilla

Notary Stamp

Notary Signature

